

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNICARE LIFE & HEALTH
INSURANCE COMPANY,
a Delaware corporation,

Plaintiff,

Civil No. 04-75037
Hon. John Feikens

v.

RUBEN BRADFORD, LORENE BROWN,
SHIRLEY CAMPER, ANGELA SIMMS (a/k/a
Angela Ousley), and RUTH SIMMS (a/k/a Ruth
Sims), individuals,

Defendants.

ORDER FOR DISBURSEMENT OF FUNDS

The parties come before this Court to determine who should receive the proceeds from Reubin Thomason's life insurance policy (Group Policy No. 17-GCC 27500/00). On September 13, 2005, this Court ordered Plaintiff Unicare Life & Health Insurance Company to deposit the proceeds (\$16,463.13) with the Clerk of the Court, and discharged Plaintiff from this action.

Plaintiff moves for costs and attorney's fees incurred in bringing this interpleader action under Fed. R. Civ. P. 22, and has filed billing records in support of its motion. After reviewing these filings, I GRANT Plaintiff's motion in part, and award Plaintiff \$1,463.13 in costs and attorney's fees. Although Fed. R. Civ. P. 22 does not contain an express provision for costs or attorney's fees, the Sixth Circuit has recognized a court's discretion to make such an award to a

neutral stakeholder in a Rule 22 interpleader action. Holmes v. Artists Rights Enforcement Corp., 148 Fed. Appx. 252, 259 (6th Cir. 2005). It is the court's discretion to determine what award is appropriate and reasonable. Id. An award of full fees sought in this case is unreasonable because an interpleader action is of the type that arises in the ordinary course of an insurance company's business. See Sun Life Assurance Co. v. Thomas, 735 F. Supp. 730, 733 (W.D. Mich. 1990) (Gibson, J.). After an equal division of the proceeds among Defendants, an award of \$1,463.13 to Plaintiff is appropriate for costs and attorney's fees incurred.

On the record on January 18, 2006, Defendants agreed that each of the above-captioned Defendants would receive \$3,000.00 of the proceeds. At that time, Defendant Ruth Simms informed this Court that her last name is spelled "Sims," and Defendant Angela Simms informed this Court that her last name is "Ousley." For purposes of this order, these Defendants will be referred to by the name given to this Court on January 18, 2006. Defendants Lorene Brown, Shirley Camper, Angela Ousley, and Ruth Sims were present, and did not object to the award of \$3,000.00 for each Defendant. Defendant Ruben Bradford was unable to attend because he is incarcerated at the Mid-Michigan Correctional Facility in St. Louis, Michigan. However, in a letter to this Court filed November 18, 2005, Defendant Ruben Bradford requested that this Court divide the proceeds equally among all Defendants.

IT IS HEREBY ORDERED that \$1,463.13 (one thousand, four hundred, sixty-three dollars and thirteen cents) of the funds currently being held in an account by the Clerk of the Court shall be disbursed to Plaintiff Unicare Life & Health Insurance Company, at c/o Kyle Krywko, Dickinson Wright PLLC, 500 Woodward Ave., Ste. 4000, Detroit, MI 48226.

IT IS FURTHER ORDERED that \$3,000.00 (three thousand dollars and zero cents) of the funds currently being held in an account by the Clerk of the Court shall be disbursed to Defendant Lorene Brown, at 18645 Dequindre, Detroit, MI 48234.

IT IS FURTHER ORDERED that \$3,000.00 (three thousand dollars and zero cents) of the funds currently being held in an account by the Clerk of the Court shall be disbursed to Defendant Shirley Camper, at 12218 Patton, Detroit, MI 48228.

IT IS FURTHER ORDERED that \$3,000.00 (three thousand dollars and zero cents) of the funds currently being held in an account by the Clerk of the Court shall be disbursed to Defendant Angela Ousley, at 12119 Lucerne, Redford, MI 48239.

IT IS FURTHER ORDERED that \$3,000.00 (three thousand dollars and zero cents) of the funds currently being held in an account by the Clerk of the Court shall be disbursed to Defendant Ruth Sims, at 18431 Rosemont, Detroit, MI 48219.

This Court is investigating the correct procedure by which to disburse Defendant Ruben Bradford's share of the funds, as Defendant Bradford is incarcerated. Thus, Defendant Bradford's share of the funds shall remain with the Clerk of the Court until it can be determined how best to disburse those funds to him.

IT IS SO ORDERED.

Date: January 19, 2006

s/John Feikens

United States District Judge

Proof of Service

I hereby certify that the foregoing order was served on the attorneys/parties of record on January 19, 2006, by U.S. first class mail or electronic means.

s/Carol Cohron
Case Manager